

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

JOHNNY B. HOLMES,

Plaintiff,

v.

**AMERICAN INTERNATIONAL GROUP, INC.;
et al.,**

Defendants.

**CIVIL ACTION NO.
3:06-cv-00033-MEF**

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

COMES NOW Plaintiff Johnny B. Holmes and Defendants American International Group, Inc., American General Corporation, American General Financial Services of Alabama, Inc., in and of itself and as successor to American General Finance, Inc., an Alabama corporation, American General Finance Corporation, Merit Life Insurance Company, Yosemite Insurance Company, and Brian Scalf, by and through their undersigned counsel, appearing specially so as to preserve any and all defenses available under Rule 12 of the Alabama Rules of Civil Procedure, and specifically preserving the right to seek arbitration pursuant to 9 U.S.C. § 1 *et seq.*, and hereby stipulate that the present action should be dismissed without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure, subject to the following terms and conditions:

- (1) that all of Plaintiff's claims against all Defendants herein are dismissed without prejudice;
- (2) that to the maximum extent allowed by applicable law, should Plaintiff subsequently file a new action(s) concerning the exact transactions and occurrences at issue in this Action, and do so no later than 10 calendar days from the date of entry of this Order, for purposes of the applicable statute(s) of

limitations only, any such action(s) shall be deemed to have been filed on the same day the instant Action was filed; and

- (3) that this Action in its entirety is hereby dismissed without prejudice.

Respectfully submitted,

/s/ C. Lance Gould

C. Lance Gould (GOU007)

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ATTORNEYS FOR DEFENDANTS AMERICAN GENERAL FINANCIAL SERVICES OF ALABAMA, INC., formerly known as AMERICAN GENERAL FINANCE, INC., a Delaware corporation, on its own behalf and as successor to AMERICAN GENERAL FINANCE, INC., an Alabama corporation, AMERICAN GENERAL FINANCE CORPORATION, MERIT LIFE INSURANCE CO., YOSEMITE INSURANCE COMPANY, and BRIAN SCALF

/s/ Thomas Julian Butler

Thomas Julian Butler (BUT0028)

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ATTORNEY FOR DEFENDANTS AMERICAN INTERNATIONAL GROUP, INC.; and
AMERICAN GENERAL CORPORATION